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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,160	08/15/2005	John D. Corbitt JR.	SPE-15375.001	3033
7609 7590 06/14/2007 RANKIN, HILL, PORTER & CLARK, LLP 925 EUCLID AVENUE, SUITE 700 CLEVELAND, OH 44115-1405			EXAMINER BROWN, MICHAEL A	
			ART UNIT 3772	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,160	Applicant(s) CORBITT, JOHN D.	
	Examiner Michael Brown	Art Unit 3772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver.

Oliver discloses in figures 1-14 a surgical drape system comprising a flexible drape 20, of folded sterilizable material (polymeric film), the drape is folded in accordion folds (fig. 4), the drape has a leading edge, a handle (any portion of the drape extending from the leading edge that can be grasped to pull the drape is a handle), a top drape 30, having adhesive (col. 2, lines 37-39) and an adhesive (claim 4) for attaching the drape to an operating table.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Singer.

Singer discloses in figures 1-14 a method of isolating a patient from an operating table in a surgical procedure using a surgical drape system comprising providing a folded

surgical drape 20, placing the folded surgical drape on the operating table (fig. 13 the drape is still folded at the top), placing the patient on the folder drape (fig. 13 shows the tapes 29a and 29b being attached to the patient's bottom) and unfolding the surgical drape (fig. 14, shows the drape completely unfolded) to isolate the patient from the operating table. The surgical drape system includes a top drape 27 that has an adhesive to secure the top drape to the surgical drape, which is secured to the patient via adhesive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver in view of Newman, along with Healy.

Oliver discloses in figures 1-14 a surgical drape system, substantially as claimed. However, Oliver doesn't disclose a bag having perforations to store and remove the drape. Newman teaches in figure 1 a storage device comprising a bag 10. However, neither of these references discloses perforations in the bag. Healy teaches in figure 1 a bag having perforations that allow the bag to be open. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that perforations as taught by Healy could be incorporated into the bag as taught by

Newman in order to use the perforations to remove the drape to place it under the patient.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Esposito.

Esposito teaches in figure 7 a sterile storage container comprising an adhesive 58, on its bottom. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the adhesive being on the bottom on a container as taught by Esposito could be incorporated into the bag as taught by Newman and Healy in order to be able to use the adhesive to secure the bag to the operating table.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver in view of Madden.

Oliver discloses in figures 1-14 a surgical drape system, substantially as claimed. However, Oliver doesn't disclose at least one legging. Madden teaches in figures 1-4 a folded surgical drape comprising at least one legging 26. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the leg as taught by Madden could be incorporated into the surgical drape system disclosed by Oliver to use the legging to cover a patient's leg.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singer in view of Oliver.

Singer discloses in figures 12-15 a method of attaching a surgical drape, substantially as claimed. However, Singer doesn't disclose adhesive use to attach the

drape to an operating table. Oliver teaches in figures 1-14 a surgical drape system comprising an adhesive (claim 4) used to attach the surgical drape 20 to an operating table. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the adhesive as taught by Oliver could be used to attach the surgical drape disclosed by Singer to an operating table.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singer in view of Madden.

Singer discloses a method of isolating a patient, substantially as claimed. However, Singer doesn't disclose at least one legging. Madden teaches in figures 1-4 a folded surgical drape comprising at least one legging 26. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the leg as taught by Madden could be incorporated into the surgical drape system disclosed by Singer to use the legging to cover a patient's leg.

Allowable Subject Matter

Claims 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 11-20 and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Brown
June 9, 2007



MICHAEL A. BROWN
PRIMARY EXAMINER